



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 3.3.4	Subject: MEDIA ACCESS TO OFFENDERS
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 3 and Attachments
Section 3: Offender Privileges	Effective Date: Aug. 1, 1997
Signature: /s/ Mike Ferriter, Director	Revision Dates: 03/26/02; 07/18/06

I. POLICY

The Department of Corrections will provide news media representatives with access to offenders who are in Department custody or under Department supervision when consistent with the security and the orderly operation of its facilities and programs.

II. APPLICABILITY

All Department and contracted facilities and programs.

III. REFERENCES

- A. 4-4279, *ACA Standards for Adult Correctional Institutions, 4th Edition*; 3-JTS-3D-05, *Standards for Juvenile Correctional Facilities, 2003*
- B. *DOC Policies 1.1.8, Media Relations; 1.8.1, Victim Rights and Notification; 1.5.6, Offender Records Access and Release; 3.2.1, Emergency Preparedness*

IV. DEFINITIONS

Facility Administrator – For the purpose of this policy, the official, regardless of local title (bureau chief, administrator, warden, superintendent), ultimately responsible for the division, facility, or program operation and management.

Communications Director/Public Information Officer (PIO) – A Department, facility, or program spokesperson designated to provide facility or program information to the public.

Offender – Any individual in the custody or under the supervision of the Department of Corrections or its contracted service providers.

News Media Representatives – Properly credentialed representatives of any accredited news organization that reports news for a general circulation newspaper, news magazine, national or international news service, radio or television news program, and internet news service. Authors and freelance journalists who are researching and/or writing about corrections or criminal justice issues must provide their credentials to verify their association with legitimate news or media organizations. Nothing in this definition is intended to remove from the Department director, Department communications director, or facility PIO the discretion to determine who constitutes news media representatives for purposes of access to offenders.

V. DEPARTMENT DIRECTIVES

A. General Requirements

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1. The facility administrator, or designee, will provide the facility or program rules and regulations to news media representatives prior to permitting offender interviews.
2. Department and contracted facilities and programs will protect offender confidentiality and comply with the consent requirements in accordance with the provisions of this policy.

B. Incarcerated Adult Offenders

1. Adult facilities will establish procedures for media access to offenders in accordance with the following:
 - a. adult offenders may choose to accept or reject media interview requests;
 - b. media representatives will submit interview requests in writing through the facility's Public Information Officer (PIO), or designee;
 - c. the PIO must obtain approval from the facility administrator before scheduling media access to offenders;
 - d. offenders who agree to an interview will do so in writing, state the purpose, and receive no compensation in accordance with Attachment A;
 - e. approved offender access must be arranged at reasonable times of day consistent with facility security needs;
 - f. offenders will not be photographed in a manner that allows individual identification without the offender's written consent;
 - g. the PIO will make any necessary arrangements with regard to news media presence in consultation with the division or facility administrators and the news media representative; and
 - h. the PIO will arrange for a staff member to:
 - 1) verify the offender's written consent for an interview;
 - 2) act as a staff representative by accompanying the media representative to the interview; and
 - 3) be present during the interview to ensure the media representative complies with permissions granted on the Interview/Photo Consent form.

C. Adult Probation and Parole

1. Offenders who are under community supervision do not ordinarily need to provide written consent or receive Department approval for news media interviews.
2. Offenders *will* sign a consent form in the following circumstances:
 - a. when the news media interview is arranged by a Department staff member; or
 - b. when the interview occurs at a Department facility, program, or office.

D. Incarcerated Youth Offenders

1. The facility administrator will permit news media access to youth correctional facilities in accordance with the following:
 - a. at reasonable times of the day consistent with the security needs of the facility;

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- b. only after news media representatives sign the required confidentiality form (see Attachment B) and agree not to:
 - 1) identify the youth offenders by name either in media reports or in correspondence; or
 - 2) photograph or film offenders in a manner that allows for visual identification.
- 2. In the event consent forms are unavailable, the only information facility staff may disclose is whether a specific offender is in residence at the facility.

E. Youth Parole Offenders

- 1. New media representative access to youth offenders on parole requires the offender's permission and the approval of the offender's legal guardian.
- 2. The offender and legal guardian must sign the required consent form (see Attachment A).

F. Denial of Media Access

- 1. Media access to offenders may be denied when:
 - a. the facility is operating under emergency conditions as defined in *DOC Policy 3.2.1, Emergency Preparedness*;
 - b. an offender, who ordinarily may be available for a news media interview, is placed in confinement, e.g., disciplinary or administrative segregation, or maximum custody;
 - c. an offender chooses not to be interviewed, refuses to sign a consent form, or a youth offender does not have legal guardian consent;
 - d. the media representative fails to abide by the rules, regulations, and procedures governing offender access; or
 - e. the media representative behaves in a manner that jeopardizes the safety and security of the facility or program.

VI. CLOSING

Questions concerning this policy should be directed to the facility's public information officer or the Department's communication director.

VII. ATTACHMENTS

Interview/Photo Consent Form	(Attachment A)
Youth Confidentiality Form	(Attachment B)

MONTANA DEPARTMENT OF CORRECTIONS
Interview /Photo Consent Form
For Adult & Youth Offenders



I, _____

DOC ID #: _____

in response to a request properly made by: _____
(Name/Organization)

grant permission to the above-named requesting party to conduct an interview and record the same both manually and electronically and/or take photographic portraits or pictures, moving pictures, audio/visual recordings, or other imaging according to the box checked below, with the understanding that if I am a youth, no verbal or photographic depictions of me will disclose my identity. I further grant permission to the requesting party and those acting under its authority to copyright, use, and publish for advertising, instruction or any other lawful purpose whatsoever, any statements, in full or in part, made by me during such interview, and any photographic portraits or pictures, moving pictures, audio/visual recordings, or other imaging of me in which I may be included in whole or in part.

I do hereby waive any right I may have to inspect or approve the finished product or the use to which it may be applied; and release the Montana Department of Corrections, its successors and assigns, and all persons acting under its permission or authority, from any liability by virtue of the use and publication of said interview and/or images.

I relinquish and give to the requesting party all right, title, and interest that I may have in the finished product, copies thereof, and materials used in its production; and further grant the requesting party the right to give, sell, transfer, and exhibit said product or any portion, copy or facsimile thereof, for any purpose it deems necessary and proper.

I do further waive all rights that I may have to any claims for payment or royalties in connection with any exhibit, publication, broadcast, or other use of said finished product or portion thereof.

I hereby **CONSENT** to: ☐ **Interview & Imaging** ☐ **Interview Only** ☐ **Imaging Only**

Offender Signature

Date

Legal Guardian

Date

Department, Facility, or Program Official

Date

I hereby **REFUSE**: ☐ **Both Interview and Imaging**

Offender Signature

Date

This consent becomes invalid 30 days after the date of offender's signature.

MONTANA
DEPARTMENT OF CORRECTIONS
YOUTH CONFIDENTIALITY FORM



I, the undersigned, understand that any information or any identities of offenders that are disclosed to me or learned by me, while I am at a youth facility or program, or associated with the Youth Corrections Division, is confidential.

I am aware that State law protects this confidentiality and that I am prohibited from making any disclosure of such information except as provided in the law. I hereby agree that I will follow State law and Department of Corrections policy in the release of information.

Signature

Date

Signature of Witness

Date